

ORIGINAL

FEB 24 2005

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISIONLUTHER D. THOMAS, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA)

Criminal Indictment

v.)

No. 1:01-CR-609-02-WBH

WALTER "DUB" WHITE)

**MOTION OF THE UNITED STATES TO WITHDRAW
MOTION TO REDUCE DEFENDANT'S SENTENCE**

Defendant White pleaded guilty to two counts of armed bank robbery and one count of using a firearm in a bank robbery, in violation of 18 U.S.C. §§ 2113(a) & (d) and 924(c). On October 25, 2002, the Court sentenced defendant to 180 months of incarceration.

On October 24, 2003, the United States of America filed a protective motion to reduce defendant's sentence pursuant to Federal Rule of Criminal Procedure 35(b)(1). Doc. 87. The United States filed the motion in anticipation of defendant's testimony against a co-defendant, Christopher Thomas, in a state homicide trial that was scheduled to be held in early 2004. Mr. Thomas, however, pleaded guilty immediately before that trial began, eliminating need for defendant

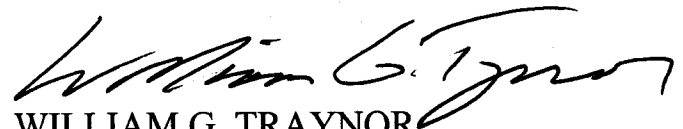
White's testimony.

Accordingly, the United States moves to withdraw the previously filed Rule 35 motion. A proposed Order is attached.

Date: February 23^d, 2005

Respectfully submitted,

DAVID E. NAHMIAS
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "William G. Traynor", is written over the printed name.

WILLIAM G. TRAYNOR
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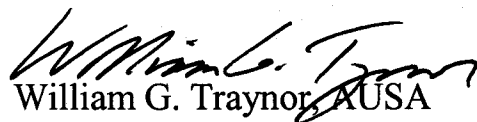
No. 1:01-CR-609-02-WBH

ORDER

For the reasons set forth in the United States' Motion to withdraw a previously filed motion to reduce defendant White's sentence, and for good cause shown, the motion is hereby GRANTED, this _____ day of February, 2005.

The Honorable Willis B. Hunt, Jr.
United States District Judge

Presented by:

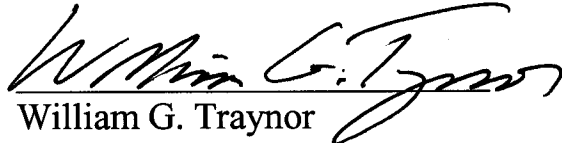

William G. Traynor, AUSA

CERTIFICATE OF SERVICE

This is to certify that on this date I served defendant with the foregoing document by causing a copy to be placed in the U.S. Mail addressed as follows:

E. Michael Moran
Suite 1570
Two Ravinia Drive
Atlanta, GA 303046

This 23^d day of February, 2005.


William G. Traynor
Assistant U.S. Attorney